



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

✓/J

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 675,121	09 28 2000	Katsuyo Iwasaki	10873.569US01	9133

7590 03 12 2003

Merchant & Gould PC  
P O Box 2903  
Minneapolis, MN 55402-0903

EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
	2879

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/675,121	IWASAKI, KATSUYO
	Examiner	Art Unit
	Kevin Quarterman	2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2002.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Amendment***

1. Applicant's Amendment B, filed on 04 December 2002, has been entered and overcomes the objection to the specification and claim rejections under 35 USC § 112, 2<sup>nd</sup> paragraph.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueda (US 6194824).

5. Regarding amended independent claim 1, Figure 2 of Ueda shows a color cathode ray tube (1) comprising an in-line electron gun (6) and means (See Fig. 4) for passing side beams of three electron beams through localized bipolar barrel magnetic

fields formed in a direction substantially perpendicular to an in-line plane corresponding to the side beams, respectively, and varying cross-sectional shapes of the side beams so that the cross-sectional shape of one of the side beams is horizontally or vertically elongated to a higher degree than that to which the cross-sectional shape of the other side beam is (See Fig. 5).

6. Regarding amended independent claim 2, Figure 4 of Ueda shows two pairs of members (23, 24, 25, 26) for generating a magnetic field placed above and below side beams of three electron beams so as to sandwich them. Ueda discloses that a barrel magnetic field is formed between the two pairs of members (col. 3, ln. 38-41).

7. Regarding claim 3, Ueda discloses that the strength of the magnetic field varies in synchronization with the deflection magnetic field (col. 2, ln. 30-34).

8. Regarding claims 4 and 13-15, Figure 2 of Ueda shows the color cathode ray tube including a deflection yoke (10).

9. Regarding claim 5, Figure 4 of Ueda shows the two pairs of members having plate magnetic bodies placed in planes perpendicular to an in-line direction and parallel to a direction in which the three electron beams travel.

10. Regarding claims 6 and 10, Figure 4 of Ueda shows ends of the plate magnetic bodies being bent.

11. Regarding claims 7 and 11, Figure 4 of Ueda shows the two pairs of members comprised of four substantially V-shaped magnetic pieces attached to an inner face of a cylindrical body.

12. Regarding independent claim 9, Ueda discloses the limitations of claims 1, 2, and 5, as discussed earlier.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda (US 6194824) in view of Barten (US 4346327).

15. Regarding claims 8 and 12, Ueda discloses the claimed invention but fails to exemplify a further pair of members for generating a magnetic field placed above and below a center beam of the three electron beams so as to sandwich it.

16. Barten teaches in Figures 9-10 that it is known in the art to provide a pair of members (32, 34) for generating a magnetic field placed above and below a center beam of three electron beams so as to sandwich it.

17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of Ueda with a pair of members placed above and below the center beam of the three electron beams, as taught by Barten, for generating a magnetic field to act on the center beam.

***Response to Arguments***

18. Applicant's arguments filed 04 December 2002 regarding Ueda reference have been fully considered but they are not persuasive.
19. In response to applicant's argument that Ueda fails to disclose a bipolar barrel magnetic field, the Examiner holds that Ueda indeed discloses a bipolar arrangement with more structure than claimed in the instant application. The fact that Ueda discloses additional structure is irrelevant.
20. In response to applicant's argument that the planes of Ueda do not serve as a principal plane for generating a magnetic field, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.
21. In response to applicant's argument that the members of Ueda are not four V substantially V-shaped pieces, the Examiner holds that the members of Ueda are bent in such a way as to be considered substantially V-shaped (See Fig. 4).

***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
March 6, 2003

  
Vip Patel  
Primary Examiner  
Art Unit 2879